

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN THE MATTER OF THE)
COMPLAINT CHARGING REYEL)
DEVON SIMMONS) Case No. 21-mj-666 ECW
)
) **Filed Under Seal**

AFFIDAVIT IN SUPPORT OF
A COMPLAINT

I, Tricia Whitehill, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

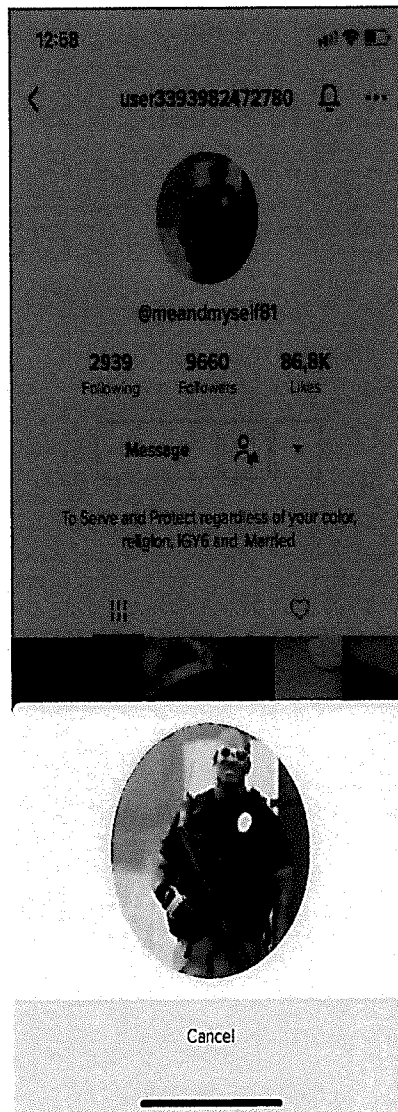
1. I make this affidavit in support of a complaint charging one REYEL DEVON SIMMONS with one count of violating 18 U.S.C. § 912 (impersonating a federal officer).
2. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been since April 2006. During my career with the FBI, I have been assigned to investigations of human trafficking, international terrorism, violent crime and murder of US citizens overseas, and have been trained by the FBI and other entities in a variety of investigative techniques required to facilitate these investigations.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

PROBABLE CAUSE

Initial tip regarding REYEL DEVON SIMMONS

4. On August 17, 2021, the FBI received a report from victim/witness B.A. claiming a man from Dodge City, Minnesota, true name REYEL DEVON SIMMONS, was impersonating a federal agent with the Department of Homeland Security. Beginning on August 18, 2021 and in the days following, your affiant spoke telephonically with B.A. who explained she met SIMMONS on TikTok¹ in January of 2021. SIMMONS told B.A. his name was “Key Reeves” and claimed to be a Homeland Security agent. SIMMONS utilized TikTok profile name @meandmyself81. SIMMONS’ TikTok profile photo showed him wearing what appeared to be law enforcement gear, including a radio, a badge, and an assault rifle:

¹ TikTok is a social media application that allows users to post short videos, pictures, and other imagery, share these posts either publicly or privately, and communicate with other users through messaging functions.



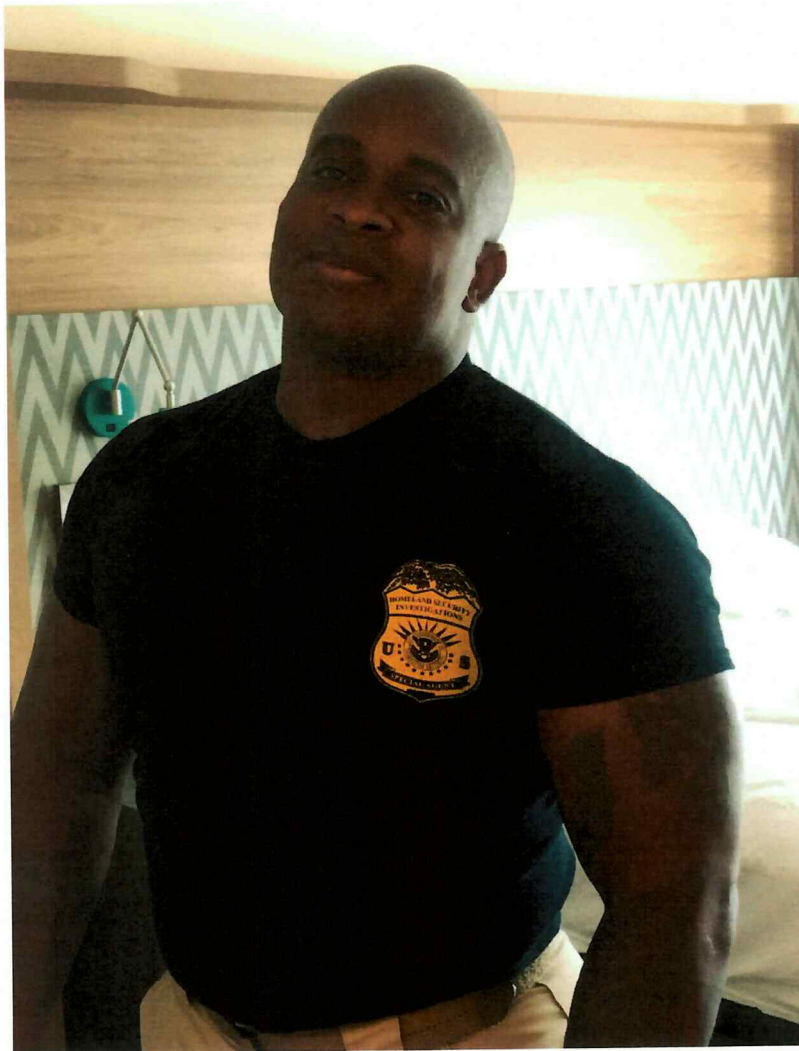
5. SIMMONS had nearly 10,000 TikTok followers. B.A. had no reason to doubt he was not a Homeland Security agent. In posts on TikTok, SIMMONS regularly held himself out as a federal agent, displaying law enforcement equipment, badges, and firearms, and referring explicitly and implicitly to himself as a federal agent. Examples of these posts were provided by B.A. and include the following:





6. Shortly after meeting SIMMONS on TikTok, B.A. began a romantic relationship with SIMMONS. Between February and August of 2021, SIMMONS and B.A. traveled between Minnesota (where SIMMONS lives) and Georgia (where B.A. lives) to spend time together in person. When B.A. would meet SIMMONS in Minnesota, they stayed at hotels in the Twin Cities metro area. SIMMONS explained that the Department of Homeland Security was paying for these hotel stays due to his working undercover assignments in the area.

7. Over the eight months B.A. dated SIMMONS, he continued to lead her to believe he was a federal agent. She regularly observed him with a handgun, which he carried in a holster on his hip or in his "go bag." B.A., who is familiar with firearms (including handguns) handled SIMMONS' handgun at one point and is certain it was a real firearm.
8. B.A. regularly observed SIMMONS carrying a badge, law enforcement credentials/identification, and wearing law enforcement attire. B.A. supplied your affiant with the following photographs of SIMMONS in a Homeland Security Investigations ("HSI") shirt and carrying an HSI backpack, which he referred to as his "go bag":





9. B.A. reported that SIMMONS drove a Ford F-150 with Minnesota license plate DZF-617, which was equipped with a light bar package on the front bumper and a police radio on the interior. B.A. provided your affiant with photographs she took of SIMMONS' vehicle:



In B.A.'s presence, SIMMONS used the truck radio to converse with individuals who she believed to be other federal agents. On at least one occasion, while she was visiting SIMMONS in Minnesota, B.A. observed a long-barreled rifle in SIMMONS' truck.

10. SIMMONS repeatedly told B.A. he had previously served in the United States Navy, specifically with the elite special forces unit known as the SEALs. SIMMONS shared a photograph with B.A. of him purportedly in his military Navy SEAL gear:

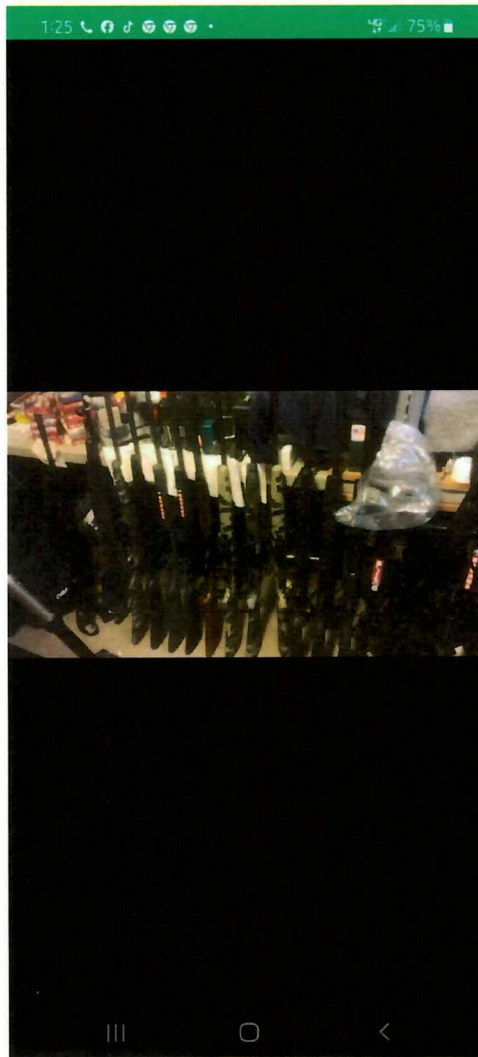


SIMMONS would tell B.A. stories about his time as a Navy SEAL and claimed to know other SEALs, like Chris Kyle (who the movie "American Sniper" is based on).

11. During their relationship, SIMMONS represented to B.A. that he was currently working undercover assignments relating to child sex trafficking for HSI and traveled frequently for

his job. Most recently, SIMMONS claimed that he was on an undercover assignment in the Miami, Florida area. SIMMONS sent B.A. text messages with maps purportedly showing where his “assignments” were being carried out and describing – in difficult to decipher terms (due to his use of acronyms and law enforcement/military abbreviations and “slang”) – what he was doing.

12. On one occasion, SIMMONS sent B.A. a photograph of several rifles. SIMMONS claimed to have seized those weapons in his capacity as a federal agent on a raid:



13. On or about August 9, 2021, to facilitate her travel to visit him in Minnesota, SIMMONS sent B.A.² the following image of a Center for Disease Control (CDC) COVID-19 vaccination card, which bore the seal of that agency:

Mon, 9 Aug, 6:09 PM

COVID-19 Vaccination Record Card

Please keep this record card, which includes medical information about the vaccines you have received.
Por favor, guarde esta tarjeta de registro, que incluye información médica sobre las vacunas que ha recibido.

Last Name _____ First Name _____

Date of birth _____ Patient number (medical record or HS record number) _____

Vaccine	Product Name/Manufacturer Lot Number	Date	Healthcare Professional
1 st Dose COVID-19		Mayo Clinic Date 7/19/21 COVID-19 Pfizer Lot EWG170	
2 nd Dose COVID-19		mm / dd / yy	
Other		mm / dd / yy	
Other		mm / dd / yy	

Reminder! Return for a second dose!
¡Recordatorio! ¡Regrese para la segunda dosis!

Vaccine	Date / Fecha
COVID-19 vaccine Vacuna contra el COVID-19	mm / dd / yy
Other Otra	mm / dd / yy

Bring this vaccination record to every vaccination or medical visit. Check with your health care provider to make sure you are not missing any doses of routinely recommended vaccines.
Lleve este registro de vacunación a cada cita médica o de vacunación. Consulte con su proveedor de atención médica para asegurarse de que no le falte ninguna dosis de las vacunas recomendadas.

For more information about COVID-19 and COVID-19 vaccine, visit [cdc.gov/coronavirus/2019-ncov/index.html](https://www.cdc.gov/coronavirus/2019-ncov/index.html).
Para obtener más información sobre el COVID-19 y la vacuna contra el COVID-19, visite [espanol.cdc.gov/coronavirus/2019-ncov/index.html](https://www.cdc.gov/coronavirus/2019-ncov/index.html).

You can report possible adverse reactions following COVID-19 vaccination to the Vaccine Adverse Event Reporting System (VAERS) at vaers.hhs.gov.
Puede notificar las posibles reacciones adversas después de la vacunación contra el COVID-19 al Sistema de Notificación de Reacciones Adversas a las Vacunas (VAERS) en vaers.hhs.gov.

14. In August of 2021, B.A. began to suspect SIMMONS was impersonating a federal agent when another TikTok user posted the following comment on SIMMONS' TikTok page:

² B.A. had not received a COVID-19 vaccination at the time. To her knowledge, SIMMONS was also unvaccinated.

stolen valor – impersonating a police officer again, oh and can proof be provided!

Shortly after this comment was made, SIMMONS switched his TikTok account to private such that only people he “approved” could see what he posted and comment.

15. B.A. contacted the TikTok user who made that post, hereinafter referred to as J.S., who shared additional details with B.A. regarding SIMMONS’ identity, to include his true name and prior arrest for impersonating an officer in Colorado. B.A. conducted her own open-source online queries regarding SIMMONS and concluded that J.S. was correct and SIMMONS was a fraud.

16. Upon concluding SIMMONS was a fraud, B.A. reported him to the FBI. However, SIMMONS continues to regularly communicate with B.A. via phone calls, text messages, and other messaging means and is unaware B.A. has reported him to the authorities. B.A. recently told your affiant that SIMMONS continues to post to TikTok, holding himself out as a federal agent.

SIMMONS’ time in Colorado from 2017–2019

17. Between August 18, 2021 and the present, your affiant conducted multiple interviews with J.S. J.S. knew SIMMONS when the two worked together for Energis Services Oil Field in Colorado from 2017-2019.

18. SIMMONS told J.S. he was a Navy SEAL and also had been a police officer in Denver. J.S. worked in an administrative position at Energis where she had access to SIMMONS’ employee file. J.S. reviewed the resume SIMMONS submitted to Energis, which referenced many years of employment on “confidential” assignments relating to his alleged former career in law enforcement and with the military.

19. In approximately 2017 SIMMONS sent J.S. a “selfie” wearing a shirt with an “ICE” logo (Immigration and Customs Enforcement³), a tactical holster with what appears to be a handgun in the holster, and a gold badge that appears to read “Fugitive Recovery Agent”:



³ ICE is an agency with the Department of Homeland Security.

20. On two occasions in 2018, J.S. went with SIMMONS to a gun range in Colorado where SIMMONS shot both long guns and handguns that he brought with him. J.S. went to shoot guns with SIMMONS because he was going to show J.S. techniques he learned shooting as an alleged member of the Navy SEALs. J.S. permitted SIMMONS to shoot one of the firearms she brought to the range, a Savage model 110, .338 Lapau caliber rifle, black in color, with serial number K670692.⁴ Later, J.S. found that SIMMONS had taken the firearm and never returned it after that day on the range.

FBI Records Checks

21. Following the interviews of B.A. and J.S., your affiant conducted record checks to obtain additional information regarding SIMMONS. On September 2, 2021, your affiant obtained a copy of SIMMONS' current driver's license photograph issued in the State of Colorado on February 23, 2016:



⁴ According to Savage's website, its firearms are produced in Massachusetts.

22. Your affiant compared the image on SIMMONS' driver's license with the images posted on the meandmyself81 TikTok account and those provided by B.A. and J.S. and concluded that SIMMONS is the individual in all these images. Furthermore, B.A. and J.S. both confirmed that the images and videos from TikTok are of SIMMONS, who they know personally.
23. Official records queries conducted by the United States Department of Homeland Security confirmed SIMMONS is not, and has never been, employed in any capacity by that agency.
24. Official records queries conducted by the United States Department of Defense confirmed SIMMONS has never been affiliated with any branch of the United States military or the Department of Defense itself.
25. Official records checks conducted with the Minnesota Department of Labor indicate that SIMMONS has been employed by Adecco USA, Inc. since the third quarter of 2020. A public records search shows that Adecco USA, Inc. is a temporary staffing agency. The Minnesota Department of Labor's records do not show that SIMMONS is, or has been, employed by the military or any law enforcement agency.
26. A grand jury subpoena was served on Adecco for SIMMONS' employment file. Returns from the subpoena show the following. SIMMONS submitted an employment application to Adecco in approximately September of 2020. In the application, he lists his address as 62539 185th Avenue, Dodge Center, Minnesota (the "Property"). SIMMONS describes himself as a HSE (Health and Safety Executive) Specialist looking for a position where he can use his skills in conducting "investigations, inspections, and site audits." In the resume he provided, SIMMONS claims, in relevant part, that from March 1997 to May 2000, he worked for "U.S. Department of Defense/U.S. Department of Homeland Security/FEMA"

assisting “local civil law Enforcement/Government Agency on Undercover assignments throughout the Country and States.” SIMMONS claimed, “Assignments cannot be discussed under: Classified #CFR 6AUS06 and #USCS 987USf1310.” SIMMONS also represented that he received education from the “US Department of Defense” but that “Actions: All Activity Classified.” Finally, SIMMONS stated that he possessed a “concealed weapons permit.”

27. Based on my training and experience, as well as open-source research, your affiant knows that the Department of Homeland Security (DHS) was not created until November of 2002. Therefore, besides the fact that DHS confirmed SIMMONS has never had any affiliation with that agency, it is not possible for SIMMONS to have worked for that agency from March 1997 until May 2000 because it did not exist.
28. An official records request to the Federal Emergency Management Agency (FEMA) confirmed that SIMMONS has never worked for nor been affiliated with that agency.
29. Based on my training and experience, as well as open-source research, “Classified #CFR 6AUS06 and #USCS 987USf1310” are not any form of classification or designation that prevent someone from discussing their government assignments. In fact, there is no Code of Federal Regulations (“CFR”) 6AUS06, nor any federal statute or regulation that corresponds with “USCS 987USf1310.” As stated above, an official inquiry with the Department of Defense revealed that SIMMONS has never been associated with the Department or any branch of the military.
30. Since approximately September of 2020, SIMMONS has been assigned to Shutterfly, Inc. (located at 5005 Dean Lakes Blvd., Shakopee, Minnesota) as a temporary employee through Adecco. From the records provided by Adecco, it appears SIMMONS’ position

at Shutterfly is as an EHS (Environment, Health, and Safety) Coordinator. SIMMONS still holds this position and records indicate he has been paid for working there nearly every week since September of 2020.

31. Adecco's records for SIMMONS also indicate that his tax withholding status is "married."

An open-source records search shows that SIMMONS has been married to one Starla Marie Simmons (DOB: XX/XX/1958) (hereinafter, "Starla") since at least 2015.

32. Dodge County, Minnesota property records show that Starla owns the Property in Dodge Center, Minnesota that SIMMONS listed as his residence on his Adecco application. Credit reporting records associate SIMMONS with the Property since at least February of 2020.

33. Minnesota motor vehicle records show the following:

- a. Starla and SIMMONS co-own a 2018 Ford F-150 with Minnesota license plate DZF-617. The registered address for this vehicle is the Property.

SIMMONS' criminal record

34. Your affiant obtained criminal history records through the National Crime Information Center (NCIC) for SIMMONS which reflected numerous prior criminal convictions. Relevant here, SIMMONS was convicted in 2007 for felony menacing and misdemeanor assault, and in 2015 for two felony soliciting prostitution charges, all in the State of Colorado. These records also show SIMMONS was charged with two counts of misdemeanor impersonation of an officer, one in Denver, Colorado and the other in Aurora, Colorado, both in 2004.⁵

⁵ The disposition of these misdemeanor impersonation charges is not clear from the records presently available.

35. Your affiant requested records for SIMMONS from the National Instant Criminal Background Check System (NICS) – a system that determines whether an individual seeking to purchase a firearm in the United States is authorized/permitted to do so. NICS records indicated SIMMONS attempted to purchase a handgun on or about August 1, 2017 but was denied because his prior felony convictions prohibit him from owning or possessing a firearm. NICS confirmed SIMMONS remains a prohibited person as of September 1, 2021.
36. Your affiant obtained police records related to the conduct that resulted in SIMMONS' 2007 convictions in Colorado. After another vehicle hit SIMMONS' vehicle, SIMMONS pointed a gun at the vehicle and ordered the occupants out of the car while claiming to be a federal agent. SIMMONS repeatedly held himself out as a federal law enforcement agent to the vehicle's occupants and bystanders. SIMMONS was wearing an all-black uniform with a badge and lettering on the front that read "TACTICAL RESPONSE." SIMMONS handcuffed the driver of the vehicle and head-butted the passenger. Local police were called and arrested SIMMONS for impersonating an officer, menacing, and assault. A subsequent search discovered that the gun SIMMONS used to threaten the victims was in fact a BB gun. SIMMONS' vehicle was equipped with a police light package and operational sirens. The reports of this event noted that SIMMONS previously pleaded guilty to impersonating an officer and providing false statements to the police in Aurora, Colorado.
37. Your affiant reached out to local Minnesota law enforcement agencies to determine whether SIMMONS had any contacts with them. The following relevant contacts were reported:

October 2020 - Dodge County, Minnesota – SIMMONS was pulled over and given a verbal warning for speeding. The officer related he was nearly certain SIMMONS claimed he was armed at the time he was pulled over.

February 2021 – Shakopee, Minnesota – SIMMONS was pulled over for speeding. The Shakopee Police Officer who pulled SIMMONS over recalled SIMMONS claimed he was in the military and may have claimed to be military police.

Recent surveillance of and intelligence on SIMMONS

38. After receiving B.A.'s report regarding SIMMONS, law enforcement conducted surveillance of the Property. SIMMONS was observed, on multiple occasions, coming to and from the Property in the 2018 Ford F-150 truck described above. However, because the Property and surrounding area are rural and visually exposed, prolonged surveillance was not possible for fear of exposing the investigation.

39. Law enforcement received information that a neighbor (hereinafter, the “confidential informant” or “CI”) near the Property may have relevant information regarding SIMMONS. The CI was interviewed on September 15, 2021 and related the following information. The CI is familiar with SIMMONS and Starla. However, the CI stated that SIMMONS goes by a different last name (although the CI could not recall what last name SIMMONS used), and that the CI did not believe the couple was married. The CI believes Starla works as a nurse at the Mayo Clinic.⁶ The CI has seen SIMMONS with an assault-rifle style firearm on the Property, which SIMMONS carried on a rack mounted into an all-terrain vehicle. The CI reported that SIMMONS built a firearms range in the backyard of the Property. Although the CI stated he had not witnessed SIMMONS shooting any firearms, the CI reported hearing gunfire from the Property on at least one occasion.

⁶ Starla's public profile on the professional social media site LinkedIn states that she is a nurse at Mayo Clinic. Note that the CDC COVID-19 vaccination card SIMMONS sent B.A. bore a label indicating a Pfizer vaccination administered at or by the Mayo Clinic.

Finally, the CI related hearing from other neighbors that SIMMONS held himself out as being ex-military, specifically an ex-Navy SEAL.

Experience and training related to the impersonation of law enforcement

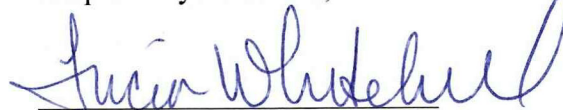
40. Based on my training and experience in conducting criminal investigations or federal law, those who pretend to be or impersonate federal agents often keep the equipment, clothing, and accessories that are part of this façade in their residence, vehicle, and/or on their person.

CONCLUSION

41. Given the information your affiant has received and developed as set forth above, and based on my training and experience, there is probable cause to believe that from on or about January 1, 2021 through on or about September 17, 2021, REYEL DEVON SIMMONS has violated 18 U.S.C. § 912 (impersonating a federal officer).

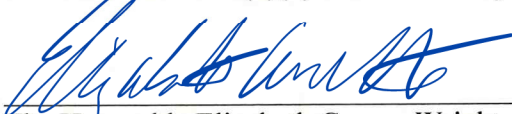
42. Based on the foregoing, I request that the Court issue the requested complaint.

Respectfully submitted,



Tricia Whitehill
Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me by reliable electronic means (FaceTime and email) pursuant to Fed. R. Crim. P. 41(d)(3) on this 17th day of September 2021.



The Honorable Elizabeth Cowan Wright
United States Magistrate Judge